

United States Bankruptcy Court
District Of New Jersey
Caption In Compliance With D.N.J. LBR 9004-1

DUANE MORRIS LLP
A Delaware Limited Liability Partnership
Sommer L. Ross, Esq. (NJ Bar No. 004112005)
Philip R. Matthews, Esq. (Admitted *pro hac vice*)
1940 Route 70 East, Suite 100
Cherry Hill, NJ 08003-2171
Telephone: 856.874.4200
Email: SLRoss@duanemorris.com
PRMatthews@duanemorris.com

Attorneys for Republic Indemnity Company of America

In Re:

LTL MANAGEMENT, LLC,

Debtor.

Chapter 11

Case No. 21-30589 (MBK)

Hearing Date: April 12, 2022 at 10:00 a.m.

**REPUBLIC INDEMNITY OF AMERICA'S JOINDER IN TRAVELERS' COMPANY'S
MOTION FOR AN ORDER ADDING TRAVELERS AS A MEDIATION PARTY OR,
IN THE ALTERNATIVE, MODIFYING THE MEDIATION PROTOCOL**

Republic Indemnity Company of America ("Republic"), by and through its undersigned counsel, hereby joins Travelers' motion to be added as a Mediation Party or, in the alternative, modifying the Mediation Order (the "Travelers Motion," Dkt. No. 1900). As grounds for this joinder, the Republic adopts and incorporates the arguments set forth in the Travelers Motion as if fully set forth here, and also state as follows:

1. The Republic, along with Travelers and other insurers, are parties to an insurance coverage action in New Jersey state court captioned *Atlanta Int'l Ins. Co., et al. v. Johnson & Johnson, et al.*, MID-L-3563-19 (Law Div.) ("Coverage Action"). The Coverage Action seeks

declaratory relief resolving disputes arising from demands by Johnson & Johnson and Johnson & Johnson Consumer, Inc. (“Old JJCI,” and collectively with Johnson & Johnson, “J&J”) for insurance coverage for talc-related bodily injury claims. The Republic Insurers previously joined in Travelers’ motion for relief from the automatic stay to allow the Coverage Action to proceed.¹

2. As reflected by their joinder in the Lift-Stay Motion, the Republic believes that it would be appropriate and preferable for all insurance coverage disputes relating to talc-related bodily injury claims against J&J to be resolved in the Coverage Action, either by litigation or by mediation under the auspices of the state court presiding over the Coverage Action.

3. Until this Court grants the Lift-Stay Motion, however, the Republic requests to be designated as a Mediation Party along with Travelers and any other insurers who make a similar request.

4. In addition, Republic joins in Travelers’ request that the Mediation Order be modified to remove any restrictions that would bar Debtor, Old JJCI, New JJCI, Middlesex or Johnson & Johnson from disclosing, to Republic and other insurers, information related to, or exchanged in, the mediation in this bankruptcy case relating to possible settlement of the talc bodily injury claims against J&J or Debtor. Debtor has essentially invited this Court to grant it, and Johnson & Johnson and affiliated parties, judicial authorization to preclude Johnson & Johnson and its affiliates from keeping their insurers informed on settlement talks contrary to the insurance policies and state law. No mediation order should preclude Johnson & Johnson and its affiliates from keeping its insurers abreast of developments concerning underlying claims for which the policyholder is seeking coverage. The Court should therefore modify the mediation

¹ See Dkt. No. 1488 (the “Lift-Stay Motion”).

order, as requested by Travelers, so that all insurers' rights under the insurance policies and state law are respected and preserved.

WHEREFORE, the Republic request that the Court grant the relief requested herein and in the Travelers Motion.

Dated: April 4, 2022

Respectfully submitted,

DUANE MORRIS LLP

By: /s/ Sommer L. Ross

Sommer L. Ross (NJ Bar No. 004112005)
Philip R. Matthews (admitted *pro hac vice*)
1940 Route 70 East, Suite 100
Cherry Hill, NJ 08003-2171
Telephone: 856.874.4200
Email: slross@duanemorris.com
prmatthews@duanemorris.com

*Attorneys for Republic Indemnity
Company of America*